IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 142 OF 2006.

1. Smt. Yashoda Yeshwant Gaudo
   Ambeshikar;
2. Smt. Radha Arjun Gaudo
   Ambeshikar;
3. Smt. Kaveri Gopi Gaudo
   Ambeshikar;
4. Smt. Taramati Harichandra Gaudo
   Ambeshikar;
5. Shri Subha Rohidas Gaude
   Ambeshikar;
6. Miss Amita Rohidas Gaude
   Ambeshikar
7. Smt. Shashikala Datta
   Ambeshikar
   All of major age,
   agriculturists, residents
   of Ambeshi, Pale-Goa. .... Petitioners.

Versus

1. Shri Jana Shankar Gaudo,
   of major age, married,
   agriculturist;
2. Shri Hari Babu Verekar
   (since deceased) through
   heirs:
   2a) Smt. Jayashree Verekar,
   widow of late Shri Hari Verekar;
   2b) Jaya B. Verekar,
   major, married;
   2c) Shri Sunil Verekar,
   major, married;
3. Shri Raghoba Shanan Verekar
   (since deceased)
   Through legal heirs:
   3a) Smt. Radha Raghoba Verekar,
   widow of Raghoba Verekar,
   3b) Shri Shaben Raghoba Verekar;
   3c) Smt. Samathi Raghoba Verekar;

3d) Shri Mukund alias
Shivanand Raghoba Verekar.
All residents of
Ambeshi, Pale, Goa. .... Respondents.

Shri D.J. Pangam, Advocate for the Petitioners.

Shri V.A. Lawande, Advocate for the Respondents.

CORAM: A. P. LAVANDE, J.

DATE: 28th APRIL, 2006.

ORAL JUDGMENT:

Heard Mr. Pangam for the Petitioners and Mr. Lawande for the Respondents.

2. Rule. By consent heard forthwith.

3. The limited grievance made by the petitioners in this petition is that they have been joined as parties in Regular Civil Appeal No. 70/2005 by the Court of Ad-Hoc District Judge at Mapusa (Fast Track) without even issuing notices to them, upon an application dated 15.09.2005 filed by the respondents. The fact that the petitioners have been joined without giving notices to them, has not been disputed by Mr. Lawande, learned counsel appearing for the respondents.

4. Mr. Pangam, learned counsel appearing for the petitioners submits that the appellate Court ought to have given notices to the

petitioners of the application dated 15.09.05 filed by the respondents.

5. I find merit in the submission of Mr. Pangam. The appellate Court before passing an order on the said application ought to have issued notices to the petitioners and only after hearing the petitioners ought to have passed an order on the said application. Therefore the impugned order dated 15.09.2005 passed by the appellate Court in Regular Civil Appeal No.70/2005 is quashed and set aside and the appellate Court is directed to hear the petitioners before passing any order on the said application.

6. Rule is made absolute in the aforesaid terms. The parties to appear before the appellate Court at Mapusa on 7th June, 2006 at 10.00 a.m.

The petition stands disposed of in the aforesaid terms with no order as to costs.

A. P. LAVANDE, J.

sl.